

United States Courts
Southern District of Texas

AO 91 (Rev 8/01) Criminal Complaint

FILED

September 27, 2022

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jonathan Alberto Moreno

Case Number:

YOB: 1994 COB: United States

M-22-1905 -M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about September 26, 2022 in Hidalgo County, in the
Southern District of Texas

(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Javier Santos-Mencilla, a citizen and national of Honduras and David Sotelo-Hernandez, a citizen and national of Mexico, along with two (2) other undocumented alien, for a total of four (4) who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mission, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONYI further state that I am a U.S. Border Patrol Agent and that this complaint is based on the following facts:

On September 26, 2022, at approximately 8:15 P.M., a U.S. Border Patrol Agent was parked in his marked service vehicle, observing an area in Mission, Texas that has had numerous and recent alien smuggling events. The Agent witnessed a four-door sedan make an abrupt stop in lanes of travel before several people emerge from a nearby brush line and board. The Agent relayed his observations over service radio and began to follow the car. The car is then observed accelerating to high speeds on wet roads. Due to the road conditions, the Agent is unable to safely follow at speed but maintains visual of the vehicles tail lights on the straight roadway. A nearby DHS helicopter, callsign 'Troy', responds to the Agents radio callout and finds the vehicle before any responding Agent loses visual. Troy maintains visual, observing the sedan stop to release it's passengers. The sedan is then witnessed continuing to drive at a high rate of speed until yielding to a marked Border Patrol vehicle's emergency equipment approximately one-hundred (100) yards north of the Anzalduas Port of Entry. The Agent then approached the sedan and ordered the driver out and detained him. The driver was identified as Jonathan Alberto Moreno, a United States citizen. The four passengers who were seen running from the car were found nearby and determined to be illegally present in the United States. Moreno and the four passengers were arrested and transported to the McAllen Border Patrol Station for processing.

SEE ATTACHMENT

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA L. Fry

Submitted by reliable electronic means, sworn to and attested
telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

/s/ Oscar Ortiz

Signature of Complainant

Oscar Ortiz Border Patrol Agent

Printed Name of Complainant

September 27, 2022 at 3:41 p.m.
Date

at

McAllen, Texas
City and StateJ. Scott Hacker, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-22- 1905-M

RE: Jonathan Alberto Moreno

CONTINUATION:

PRINCIPAL STATEMENT: Jonathan Alberto Moreno

Jonathan Alberto Moreno, a United States citizen, was read his Miranda rights in the Spanish language. Moreno understood his rights but declined to provide a statement.

MATERIAL WITNESS STATEMENT: Javier Santos-Mancilla

Javier Santos-Mancilla, a citizen and national of Honduras, was read his Miranda rights in the Spanish language. Santos understood his rights and agreed to provide a sworn statement.

Santos stated his family made arrangements to be smuggled into the United States on his behalf, agreeing to pay \$13,000. Santos told Agents he crossed the Rio Grande River aboard a raft with eight (8) others and was led through the brush by footguide to where a vehicle would meet them. Santos said a black sedan arrived and stopped approximately ten (10) meters away. Santos added the foot guide told them to get in. Once in the sedan, the driver told them to get down to avoid detection, according to Santos. Santos also said the driver was worried about Border Patrol behind them and began driving as fast as eighty (80) miles per hour on wet roads. Santos claimed the driver told them they were going to have to get out of the car and almost lost control under hard braking on a wet, curvy road, veering off the pavement.

MATERIAL WITNESS STATEMENT: David Sotelo-Hernandez

David Sotelo-Hernandez, a citizen and national of Mexico, was read his Miranda rights in the Spanish language. Santos understood his rights and agreed to provide a sworn statement.

Sotelo claimed his friend helped him make his smuggling arrangements, agreeing to pay \$12,000. Sotelo told Agents he crossed the Rio Grande River aboard a raft with approximately nine (9) others, to include foot guides. Sotelo added a foot guide led them through the brush for three hours until they were told to board an arriving four-door sedan. Sotelo claims to not have seen the driver because the driver told them to crouch down below the windows. Sotelo then said the driver told them to exit the car and run towards a berm adjacent to the roadway. Sotelo said he feared for his life while in the vehicle because of the velocity at which the vehicle was travelling.